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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,454	04/12/2006	Ko Inagaki	2006-0418A	3144
52349 7590 11/18/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER STIMPert, PHILIP EARL	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 11/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,454	INAGAKI ET AL.	
	Examiner	Art Unit	
	Philip Stimpert	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/12/2006, 7/24/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 9 and 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 5, 6, and 8-13 are objected to because of the following informalities: each of these claims recites "the hermetic compressor of any one of" a single claim. As these are not multiple dependent claims, this is unnecessary. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 6, 7, and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Regarding claim 4, the limitation, “an upper end face” constitutes a second positive recitation of that element, after the previous recitation in claim 3.

6. These claims all recite “an annular gas passage in the sound deadening space.” In light of the drawings, the intended scope of these claims is not clear. An annular gas flow (143) is shown in the drawings, and discussed in some detail in the specification on page 10, lines 20-26. However, this appears to refer only to a roughly circular flow within a generally open sound deadening space (142). There is no passage shown particularly containing this flow, other than the housing of the sound deadening space as a whole. And since an annular passage would generally be defined as a generally circular passage between two concentric walls, it is unclear to what the “annular gas passage” of these claims refers. Accordingly, the examiner is interpreting these claims broadly to require a sound deadening space in which the refrigerant gas circulates in a roughly circular, or at least round, path. To overcome this rejection, the examiner suggests either replacing the indefinite language with more appropriate language, or identifying the passage being described and clarifying its annular nature.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ide (US 6,361,290).

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9. Regarding claim 1, Ide teaches a hermetic compressor (see Fig. 12) comprising a hermetic container (1) storing an oil (23), and a compressing element (2) accommodated in the hermetic container (1) and compressing a refrigerant gas (see col. 10, ln. 61). Ide teaches that the compressing element (2) comprises a compressing chamber (21), a cylinder (4) forming the compressing chamber (21), a piston (5) inserted into the cylinder (4) and reciprocating, a suction muffler (8) whose one end (8b) communicates (col. 11, ln. 38-42) with the compressing chamber (21). Further, Ide teaches that the suction muffler (8) has a sound deadening space (the cavity discussed in col. 12, ln. 28 and visible in the drawings, for instance Fig. 1), a gas flow forming part (8a or 8b, as shown in Fig. 1) forming a gas flow flowing in a constant direction (namely into or out of the muffler 8, parallel to the axis of the relevant port) in the sound deadening space. Finally, Ide teach an oil discharge opening (col. 12, ln. 65 through col. 13, ln. 2) provided at a lower part of the sound deadening space (and therefore in a downstream side, since the flow starts at the top of the sound deadening space at inlet 8a).

10. Regarding claim 2, Ide teaches an inlet pipe (8a) whose one (interior) end opens to the sound deadening space, and whose other end opens to the hermetic container (1, see Fig. 13). Further, the inlet pipe (8a) is located on a right end face of the sound deadening space (as shown in Fig. 1) and thereby constitutes the gas flow forming part.

11. Regarding claim 3, Ide teaches an outlet pipe (8b, see Fig. 1) whose one (upper) end opens to the sound deadening space and whose other (lower) end opens to the compressing chamber (21), and that the outlet pipe (8b) opens while being extended to

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a lower face of the sound deadening space and thereby constitutes the gas flow forming part.

12. Regarding claim 4, as shown in Fig. 5, Ide teaches that the outlet pipe (8b) extends in the plane of, and thus along, an upper end face (8d) of the sound deadening space. Please note that “an upper end face” does not require a face constituting an upper boundary of the sound deadening space.

13. Regarding claims 5 and 8-10, as shown in Fig. 13, Ide teaches that the lower face of the sound deadening space is constituted by a substantially horizontal face. Further, though Ide does not explicitly show the oil discharge opening, it would be provided at an end part of the lower face of the sound deadening space (note that end part may refer to the face as a whole, in its capacity as the lower end of the sound deadening space).

14. Regarding claims 6, 7 and 11-13, given the configuration of the sound deadening space shown in Fig. 1, for instance, it would be expected that the refrigerant gas circulate in a roughly circular path, thus satisfying this claim as best understood by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Stimpert whose telephone number is (571)270-1890. The examiner can normally be reached on Mon-Fri 7:30AM-4:00PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/P. S./
Examiner, Art Unit 3746
14 November 2008